



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB3005

Introduced 2/18/2016, by Sen. Jacqueline Y. Collins

SYNOPSIS AS INTRODUCED:

70 ILCS 1205/8-23
70 ILCS 1505/16a-5

Amends the Park District Code. Requires park districts to determine if an applicant for employment has been convicted of (rather than convicted of or adjudicated a delinquent minor for) specified criminal or drug offenses listed in the Section within 5 years of the application for employment, or convicted of a felony within 2 years (rather than 7 years) of the application for employment. Removes several offenses from the specified criminal or drug offenses listed in the Section. Amends the Chicago Park District Act making the same changes. Effective immediately.

LRB099 18897 MJP 43284 b

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Park District Code is amended by changing
5 Section 8-23 as follows:

6 (70 ILCS 1205/8-23)

7 Sec. 8-23. Criminal background investigations.

8 (a) An applicant for employment with a park district is
9 required as a condition of employment to authorize an
10 investigation to determine if the applicant has been convicted
11 of, ~~or adjudicated a delinquent minor for,~~ any of the
12 enumerated criminal or drug offenses in subsection (c) of this
13 Section within 5 years of the application for employment or has
14 been convicted, within 2 7 years of the application for
15 employment with the park district, of any other felony under
16 the laws of this State or of any offense committed or attempted
17 in any other state or against the laws of the United States
18 that, if committed or attempted in this State, would have been
19 punishable as a felony under the laws of this State.
20 Authorization for the investigation shall be furnished by the
21 applicant to the park district. Upon receipt of this
22 authorization, the park district shall submit the applicant's
23 name, sex, race, date of birth, and social security number to

1 the Department of State Police on forms prescribed by the
2 Department of State Police. The Department of State Police
3 shall conduct a search of the Illinois criminal history records
4 database to ascertain if the applicant being considered for
5 employment has been convicted of, ~~or adjudicated a delinquent~~
6 ~~minor for,~~ committing or attempting to commit any of the
7 enumerated criminal or drug offenses in subsection (c) of this
8 Section within 5 years of the application for employment or has
9 been convicted of committing or attempting to commit, within 2
10 ~~7~~ years of the application for employment with the park
11 district, any other felony under the laws of this State. The
12 Department of State Police shall charge the park district a fee
13 for conducting the investigation, which fee shall be deposited
14 in the State Police Services Fund and shall not exceed the cost
15 of the inquiry. The applicant shall not be charged a fee by the
16 park district for the investigation.

17 (b) If the search of the Illinois criminal history record
18 database indicates that the applicant has been convicted of, ~~or~~
19 ~~adjudicated a delinquent minor for,~~ committing or attempting to
20 commit any of the enumerated criminal or drug offenses in
21 subsection (c) within 5 years of the application for employment
22 or has been convicted of committing or attempting to commit,
23 within 2 ~~7~~ years of the application for employment with the
24 park district, any other felony under the laws of this State,
25 the Department of State Police and the Federal Bureau of
26 Investigation shall furnish, pursuant to a fingerprint based

1 background check, records of convictions ~~or adjudications as a~~
2 ~~delinquent minor~~, until expunged, to the president of the park
3 district. Any information concerning the record of convictions
4 ~~or adjudications as a delinquent minor~~ obtained by the
5 president shall be confidential and may only be transmitted to
6 those persons who are necessary to the decision on whether to
7 hire the applicant for employment. A copy of the record of
8 convictions ~~or adjudications as a delinquent minor~~ obtained
9 from the Department of State Police shall be provided to the
10 applicant for employment. Any person who releases any
11 confidential information concerning any criminal convictions
12 ~~or adjudications as a delinquent minor~~ of an applicant for
13 employment shall be guilty of a Class A misdemeanor, unless the
14 release of such information is authorized by this Section.

15 (c) No park district shall knowingly employ a person who
16 has been convicted within 5 years of the application for
17 employment of, ~~or adjudicated a delinquent minor, for~~
18 committing attempted first degree murder or for committing or
19 attempting to commit first degree murder, a Class X felony, or
20 any one or more of the following offenses: (i) those defined in
21 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6,
22 11-9, ~~11-14,~~ 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
23 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B,
24 11-20.3, 11-21, ~~11-30,~~ 12-7.3, 12-7.4, 12-7.5, 12-13, 12-14,
25 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 or the
26 Criminal Code of 2012; (ii) (blank); ~~those defined in the~~

1 ~~Cannabis Control Act, except those defined in Sections 4(a),~~
2 ~~4(b), and 5(a) of that Act;~~ (iii) those defined in the Illinois
3 Controlled Substances Act; (iv) those defined in the
4 Methamphetamine Control and Community Protection Act; and (v)
5 any offense committed or attempted in any other state or
6 against the laws of the United States, which, if committed or
7 attempted in this State, would have been punishable as one or
8 more of the foregoing offenses. Further, no park district shall
9 knowingly employ a person who has been found to be the
10 perpetrator of sexual or physical abuse of any minor under 18
11 years of age pursuant to proceedings under Article II of the
12 Juvenile Court Act of 1987. No park district shall knowingly
13 employ a person for whom a criminal background investigation
14 has not been initiated.

15 (Source: P.A. 96-1551, eff. 7-1-11; 97-700, eff. 6-22-12;
16 97-1150, eff. 1-25-13.)

17 Section 10. The Chicago Park District Act is amended by
18 changing Section 16a-5 as follows:

19 (70 ILCS 1505/16a-5)

20 Sec. 16a-5. Criminal background investigations.

21 (a) An applicant for employment with the Chicago Park
22 District is required as a condition of employment to authorize
23 an investigation to determine if the applicant has been
24 convicted of, ~~or adjudicated a delinquent minor for,~~ any of the

1 enumerated criminal or drug offenses in subsection (c) of this
2 Section within 5 years of the application for employment of or
3 has been convicted, within 2 7 years of the application for
4 employment with the Chicago Park District, of any other felony
5 under the laws of this State or of any offense committed or
6 attempted in any other state or against the laws of the United
7 States that, if committed or attempted in this State, would
8 have been punishable as a felony under the laws of this State.
9 Authorization for the investigation shall be furnished by the
10 applicant to the Chicago Park District. Upon receipt of this
11 authorization, the Chicago Park District shall submit the
12 applicant's name, sex, race, date of birth, and social security
13 number to the Department of State Police on forms prescribed by
14 the Department of State Police. The Department of State Police
15 shall conduct a search of the Illinois criminal history record
16 information database to ascertain if the applicant being
17 considered for employment has been convicted of, ~~or adjudicated~~
18 ~~a delinquent minor for,~~ committing or attempting to commit any
19 of the enumerated criminal or drug offenses in subsection (c)
20 of this Section within 5 years of the application for
21 employment of or has been convicted, of committing or
22 attempting to commit within 2 7 years of the application for
23 employment with the Chicago Park District, any other felony
24 under the laws of this State. The Department of State Police
25 shall charge the Chicago Park District a fee for conducting the
26 investigation, which fee shall be deposited in the State Police

1 Services Fund and shall not exceed the cost of the inquiry. The
2 applicant shall not be charged a fee by the Chicago Park
3 District for the investigation.

4 (b) If the search of the Illinois criminal history record
5 database indicates that the applicant has been convicted of ~~or~~
6 ~~adjudicated a delinquent minor for~~, committing or attempting to
7 commit any of the enumerated criminal or drug offenses in
8 subsection (c) within 5 years of the application for employment
9 of or has been convicted of committing or attempting to commit,
10 within 2 ~~7~~ years of the application for employment with the
11 Chicago Park District, any other felony under the laws of this
12 State, the Department of State Police and the Federal Bureau of
13 Investigation shall furnish, pursuant to a fingerprint based
14 background check, records of convictions ~~or adjudications as a~~
15 ~~delinquent minor~~, until expunged, to the General
16 Superintendent and Chief Executive Officer of the Chicago Park
17 District. Any information concerning the record of convictions
18 ~~or adjudications as a delinquent minor~~ obtained by the General
19 Superintendent and Chief Executive Officer shall be
20 confidential and may only be transmitted to those persons who
21 are necessary to the decision on whether to hire the applicant
22 for employment. A copy of the record of convictions ~~or~~
23 ~~adjudications as a delinquent minor~~ obtained from the
24 Department of State Police shall be provided to the applicant
25 for employment. Any person who releases any confidential
26 information concerning any criminal convictions ~~or~~

1 ~~adjudications as a delinquent minor~~ of an applicant for
2 employment shall be guilty of a Class A misdemeanor, unless the
3 release of such information is authorized by this Section.

4 (c) The Chicago Park District may not knowingly employ a
5 person who has been convicted within 5 years of the application
6 for employment of, ~~or adjudicated a delinquent minor, for~~
7 committing attempted first degree murder or for committing or
8 attempting to commit first degree murder, a Class X felony, or
9 any one or more of the following offenses: (i) those defined in
10 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6,
11 11-9, ~~11-14,~~ 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
12 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B,
13 11-20.3, 11-21, ~~11-30,~~ 12-7.3, 12-7.4, 12-7.5, 12-13, 12-14,
14 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 or the
15 Criminal Code of 2012; (ii) (blank); ~~those defined in the~~
16 ~~Cannabis Control Act, except those defined in Sections 4(a),~~
17 ~~4(b), and 5(a) of that Act;~~ (iii) those defined in the Illinois
18 Controlled Substances Act; (iv) those defined in the
19 Methamphetamine Control and Community Protection Act; and (v)
20 any offense committed or attempted in any other state or
21 against the laws of the United States, which, if committed or
22 attempted in this State, would have been punishable as one or
23 more of the foregoing offenses. Further, the Chicago Park
24 District may not knowingly employ a person who has been found
25 to be the perpetrator of sexual or physical abuse of any minor
26 under 18 years of age pursuant to proceedings under Article II

1 of the Juvenile Court Act of 1987. The Chicago Park District
2 may not knowingly employ a person for whom a criminal
3 background investigation has not been initiated.

4 (Source: P.A. 96-1551, eff. 7-1-11; 97-700, eff. 6-22-12;
5 97-1150, eff. 1-25-13.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.